



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,535	08/25/2003	Jack G. Buchheit	BING-1-1023	4648

25315 7590 05/31/2005

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT	PAPER NUMBER
----------	--------------

1725

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

li ml

Office Action Summary

Application No.

10/648,535

Applicant(s)

BUCHHEIT ET AL.

Examiner

Lynne Edmondson

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 40-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-14, 16-18, 20-24, 26, 27 and 29-38 is/are rejected.
- 7) ☒ Claim(s) 5, 11, 15, 19, 25, 28 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 7, 9, 13, 14, 16, 17, 21, 23, 26, 27, 29, 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapman (USPN 2052380).

Chapman teaches a clamp for clamping a workpiece during a process comprising a pair of parallel elongated members and several non-parallel elongated members with a plurality of pressure applying devices (5) disposed therealong and coupled to a spring (figure and col 1 line 45 – col 2 line 30).

3. Claims 1-3, 6, 8-10, 12-14, 16, 17, 20, 22-24, 26, 27, 29, 30, 32-34 and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Leduc (USPN 5535938).

Leduc teaches a clamp for clamping a workpiece during a process comprising a pair of parallel elongated members and several non-parallel elongated members (235) with a plurality of pressure applying devices (92 with pads, shoes 220) disposed

Art Unit: 1725

therealong and coupled to a spring. Pressure is applied pneumatically. The frame is supported by a cradle (figures 10-16 and col 5 line 5 – col 6 line 20).

4. Claims 1-4, 7-9, 13, 16-18, 21-23, 26, 27, 29-35, 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakazawa et al. (USPN 6666371 B2).

Nakazawa teaches a clamp for clamping a workpiece during a process comprising a pair of parallel elongated members (2) and several non-parallel elongated members (3) with a plurality of pressure applying devices (springs 2) disposed therealong and made of a resilient material (figure 12A, col 7 line 27 – col 8 line 15). The frame is supported by a cradle (34, figure 5). As shown in figures 5 and 12A the members comprise straight, curved and angled portions.

Allowable Subject Matter

5. Claims 5, 11, 15, 19, 25, 28 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ozawa (USPN 3712529), Hayashi et al. (USPN 5172846),

Art Unit: 1725

Aebersold et al. (USPN 6127646), Hannan (USPN 6189764 B1), Ikeda et al. (USPN 6371353 B1) and Johnson (USPN 4582241).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne Edmondson
Primary Examiner
Art Unit 1725

LRE

LYNNE R. EDMONDSON
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'L. Edmondson', is written over a horizontal line. To the right of the signature, the date '5/26/05' is handwritten.